

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:20-cv-00160-MR**

JOHN L. GRIFFIN, JR.,)	
)	
Plaintiff,)	
)	
vs.)	
)	
CHRISTOPHER DOVE, et al.,)	<u>ORDER</u>
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on Defendants Dontrey Chambliss and Christopher Dove’s Motion for Order to Show Cause Whether Plaintiff Intends to Prosecute this Matter [Doc. 42] and Motion for an Extension of Time to File Dispositive Motions [Doc. 43].

The *pro se* Plaintiff filed this action pursuant to 42 U.S.C. § 1983 while he was incarcerated at the Polk Correctional Institution. [Doc. 1]. A recent mailing to the Plaintiff from the Court was returned as undeliverable, stamped “Return to Sender No Longer Here.” [Doc. 41 at 1]. The North Carolina Department of Public Safety’s (“NCDPS”) website indicates that the Plaintiff

is still an active inmate, but that he was moved “OUT OF STATE” on October 21, 2021.¹

The Plaintiff was notified upon commencing this action that it is “Plaintiff’s responsibility to keep the Court advised of his/her current address at all times” and “[i]f Plaintiff’s address changes and no Notice [of Change of Address] is promptly filed with the Clerk of Court, this case may be dismissed for lack of prosecution.” [Doc. 3 at 2].

The Defendants now ask the Court to order the Plaintiff to show cause whether he intends to prosecute this action, and for an extension of the deadline to file dispositive motions so that the Court may determine whether the Plaintiff has abandoned this action. The Motions are granted.

The Plaintiff shall, within ten (10) days of this Order, update his address of record and inform the Court whether he intends to proceed with this action. Failure to comply with this Order will result in dismissal of this action without prejudice and this case’s closure without further notice.

The time for filing dispositive motions is extended for twenty-one (21) days from the date of this Order.

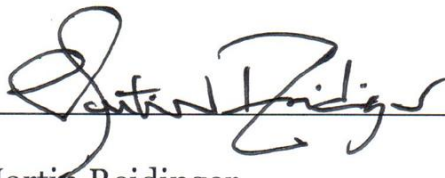
¹ See <https://webapps.doc.state.nc.us/opi/viewoffender.do?method=view&offenderID=0603117&searchOffenderId=0603117&searchDOBRange=0&listurl=pagelistoffendersearchresults&listpage=1> (last accessed Nov. 23, 2021); Fed. R. Evid. 201 (addressing judicial notice).

IT IS, THEREFORE, ORDERED that the Defendants' Motion for Order to Show Cause Whether Plaintiff Intends to Prosecute this Matter [Doc. 42] is **GRANTED**, and the Plaintiff **shall have ten (10) days from the date of this Order** in which to update his address of record and inform the Court whether he intends to proceed with this action. If the Plaintiff fails to do so, this case will be dismissed without prejudice and closed without further notice as to him.

IT IS FURTHER ORDERED that the parties shall have **twenty-one (21) days** from the date of entry of this Order to file dispositive motions.

IT IS SO ORDERED.

Signed: December 2, 2021



Martin Reidinger
Chief United States District Judge

